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Illinois Commerce Commission  
RAIL SAFETY SECTION

STATE OF ILLINOIS  
BEFORE THE  
ILLINOIS COMMERCE COMMISSION

The Village of Vermont, Fulton County, Illinois,

Petitioner,

vs.

The Department of Transportation of the State of Illinois, and the  
Burlington Northern and Santa Fe Railway Company,

Respondents.

Petition for an order authorizing the permanent closure and elimination of the public at grade crossings located at the tracks of The Burlington Northern and Santa Fe Railway Company ("BNSF") and Fourth Street, DOT No. 078471H, Milepost 140.88; Fifth Street, DOT No. 078473W, Milepost 140.82; Seventh Street, DOT No. 078577D, Milepost 140.69; and Eighth Street, DOT No. 078578K, Milepost 140.64; for an order further authorizing the replacement of the existing highway overpass at the intersection of Alley Street and the tracks of BNSF, DOT No. 078457M, Milepost 141.15; an order further authorizing the installation of automatic warning devices consisting of automatic flashing light signals and gates at the grade crossings located at the tracks of BNSF and Sixth Street, DOT No. 078576W, Milepost 140.76 and East Street, DOT No. 063752X, Milepost 94.14; an order authorizing the construction of a connecting road located east of and parallel to BNSF's trackage which would serve to connect Alley Street at the North and East Street at the South; and for an order dividing the costs among the parties as required by law and requiring a substantial portion of the aforementioned project costs to be borne by the Grade Crossing Protection Fund of the Motor Fuel Tax Law.

T04-0055

AMENDMENT TO PETITION

TO THE ILLINOIS COMMERCE COMMISSION;

The Petitioner, the Village of Vermont, respectfully represents to the Commission the following:

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1. The Illinois Commerce Commission has previously issued Order T04-0055 that authorized reimbursement of funds for road and bridge construction and track and signal work, for a total initial fund expenditure of \$803,975.

2. The order also stated that it was the intent of the Commission to enter a further order to fund up to an additional \$1,000,000 upon written request from the Petitioner provided the Petitioner could show need for the additional funding.


3. A copy of the Notice of Award approved by the Village of Vermont on December 5, 2005, that awarded a contract to R. A. Cullinan & Sons, Inc. for a low Bid amount of \$1,855,585.56 is attached hereto as Exhibit "A" to demonstrate the need for the additional \$1,000,000 in funding from the Commission.

WHEREFORE, Petitioner prays that the Illinois Commerce Commission hold a hearing to the extent and by the method as may be necessary and proper and amend Order T04-0055 to provide the additional \$1,000,000 in funding to the Petitioner.

The Petitioner further specifically requests that all necessary steps be taken by the Illinois Commerce Commission to expedite, accelerate and advance on its docket for immediate consideration the matter of this amended petition.

Respectfully submitted,

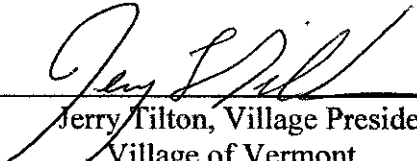
THE VILLAGE OF VERMONT

By:   
Jerry Tilton, Village President,  
Village of Vermont

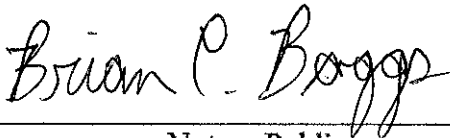
State of Illinois       )  
                                  ) SS  
County of Fulton       )

VERIFICATION

Jerry Tilton, being duly sworn on oath, deposes and states that he is the Village President for the Village of Vermont, Fulton County, Illinois, petitioner herein; that he is duly authorized by said Village to sign, verify and file the foregoing petition and that the matters set forth in said petition are true and correct to the best of his knowledge, information and belief.

  
\_\_\_\_\_  
Jerry Tilton, Village President,  
Village of Vermont

Subscribed and sworn to before me this 15th day of May, 2006.

  
\_\_\_\_\_  
Notary Public



NOTICE OF AWARD

To: R. A. Cullinan & Son, Inc.  
P. O. Box 166  
Tremont, IL 61568

Project Description: Vermont Railroad Bridge and Roadway Improvements  
Section #00-00010-00-BR

The Owner has considered the Bid submitted by you for the above described work in response to its Advertisement for Bids dated October 24, 2005.

You are hereby notified that your Bid has been accepted for items in the amount of \$1,855,585.56.

You are required to execute the Contract and furnish the required Contractor Bond, and certificates of insurance within ten (10) calendar days from the date of this Notice to you.

If you fail to execute said Contract and to furnish said Bond within ten (10) days from the date of this Notice, said Owner will be entitled to consider all your rights arising out of the Owner's acceptance of your Bid as abandoned and as a forfeiture of your Bid Bond. The Owner will be entitled to such other rights as may be granted by law.

You are required to return an acknowledged copy of this Notice of Award to the Owner.

Dated this 5th day of December, 2005.

Village of Vermont

By: *Jay Velt*

Title: Village President

ACCEPTANCE OF NOTICE

Receipt of the above Notice of Award is hereby acknowledged by R. A. Cullinan & Son, Inc., this 9<sup>th</sup> day of December, 2005.

By: *Ronald R. Russell*

Title: Vice President

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EXHIBIT

A

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that he served a copy of the Amendment to Petition upon the persons, as follows, by placing the same in envelopes certified mail return receipt requested with postage fully prepaid, and depositing the envelopes in a U.S. Mail Box in Canton, Illinois, this 16<sup>th</sup> day of May, 2006:

Mike Stead  
Rail Safety Program Administrator  
Illinois Commerce Commission  
527 East Capital Avenue  
Springfield, IL 62701

Jeff Harpring  
Rail Safety Engineer  
Illinois Department of Transportation  
Bureau of Local Roads and Streets  
2300 S. Dirksen Parkway  
Springfield, IL 62764

Office of Chief Counsel  
Illinois Department of Transportation  
2300 S. Dirksen Parkway, Suite 300  
Springfield, IL 62764

Mark Leemon  
Manager of Public Projects  
BNSF Railway Company  
80 – 44<sup>th</sup> Avenue N.E.  
Minneapolis, MN 55421

Jerry Tilton  
Village President, Village of Vermont  
P. O. Box 200  
Vermont, IL 61484

Maureen Ritchey  
Village Clerk, Village of Vermont  
P.O. Box 200  
Vermont, IL 61484

Jessica Remy  
McClure Engineering Associates, Inc.  
714 E. Jackson  
Macomb, IL 61455

  
\_\_\_\_\_  
Nathan Ihnes

CLAUDON, KOST, BARNHART, BEAL & WALTERS, LTD.  
121 West Elm Street  
P.O. Box 400  
Canton, Illinois 61520  
Telephone: (309) 647-6300